



USDA Forest Service
San Juan National Forest
Columbine Ranger District
<http://www.fs.fed.us/r2/sanjuan>

Columbine Public Lands Office
367 Pearl Street
P.O. Box 439
Bayfield, CO 81122
Ph (970) 884-2512 Fax (970) 884-2428



USDI Bureau of Land Management
San Juan Center
Columbine Field Office
<http://www.co.blm.gov/>

File Code: 2720

Date: March 1, 2011

Dear Proponents and Permit Holders,

Policy Statement:

No new outfitter and guide permits will be issued on the Columbine Public Lands until a Needs Assessment and Capacity Analysis are updated. No new additional compartments, new uses, or additional user-days will be granted to existing permit holders under their existing permit. In addition, all decisions to issue new permits or expand existing permits will be supported by a NEPA analysis. This policy will remain in effect until the Capacity Analysis is completed.

If a programmatic NEPA analysis is determined to be the most efficient form of analysis, this policy may be extended until a NEPA decision is signed.

Rationale:

This interim policy was developed to address the following concerns:

- Some areas and uses on the public lands appear to be over capacity due to increases in commercial and public uses. Unmanaged recreation was identified as one of the 4 Threats to National Forests by Forest Service Chief Dale Bosworth. This moratorium allows us the opportunity to determine what, if any, management actions are needed to address this potential threat.
- New uses are presenting management challenges and potential conflicts with currently permitted uses (e.g., downhill mountain biking).
- The user-days allocated to existing outfitters far exceed actual use for some companies and need to be adjusted. This will allow a more realistic analysis of actual use, and capacity.
- Other companies are using more days than allocated, and this use must be rectified with an updated capacity analysis and other permits.
- Existing permitted outfitters and guides are looking to expand their business, and without an updated Capacity Analysis, it is difficult to justify expanding existing permits.
- The Columbine Ranger District/Field Office has more outfitter and guide permits to administer than any other District in Region 2, and only one position to administer these, and a very large number of event permits. In effect, we are “over capacity” in terms of our available resources to effectively administer these permits.
- Finally, a National Environmental Policy Act analysis must be completed to fully comply with BLM and USFS outfitter and guide permit administration policies. No decision has been made at this time to perform a programmatic analysis, or to conduct analyses on a permit-by-permit basis. Regardless, new permits and expanded uses in existing permits will be supported by a NEPA decision.



Exclusions and Exceptions:

Recreation Event permits are excluded from this policy, and will be processed as part of the normal permitting process. However, changes to this program will be made to more efficiently manage the large volume of demand for event permits. A separate memorandum will document these changes.

All permit holders are reminded that the sale of their business does not automatically transfer the permit. In fact, the current permit is terminated, and a new permit is issued to the new business owner, only at the discretion of the District Ranger/Field Office manager. There is no “transfer” of a permit. In the cases where businesses are sold, we will review the actual use vs. permitted use, adjust the permitted use as necessary, and consider the acquiring party’s track record before we will issue a new permit to the new owner. However, when a business is sold and the new owner requests permit for the same uses, and the same or fewer user days, the new permit may be issued with minimal environmental review or analysis.

Non-commercial permits are excluded and will continue to be processed in accordance with agency direction.

On a case-by-case basis, we will consider moving base camps, drop camps, and other sites supporting permitted activities. It will be up to the permittee to provide the information we need to fully consider such changes.

Authority, Duration and Effect:

This policy is consistent with the Forest Service Handbook which allows a District Ranger to impose a moratorium on new outfitter and guide permits. The Handbook does not limit the duration of a moratorium.

I anticipate that the Columbine staff will need up to 12 months to complete the updated Capacity Analysis. If a programmatic NEPA analysis is selected as the best way to comply with NEPA, then this moratorium will be in effect until a decision is signed. Regardless, all interested parties will be notified when we determine what level of NEPA analysis will be conducted and what that means with respect to this moratorium.

I believe it is better for the outfitter and guide community to be prepared for this policy to remain in effect through 2012 and plan their business activities around this timeframe.

For single time uses, like a special event, we will determine our capacity to issue these permits after our Capacity Analysis update is complete. If temporary use pool days are identified, we will notify interested parties of the availability of these days.

Roles and Responsibilities:

The Outfitter and Guide Administrator will review requests and determine what criteria shall apply. If it is a clear-cut situation of a new permit request, they should share this interim policy with the party involved. If it involves an exception or exclusion, or falls outside any of the above categories, the O&G Administrator will consult with the Supervisory Outdoor Recreation Planner (Supervisory ORP), and between them they will determine what action to take. Other Public Lands personnel may be consulted as well, including law enforcement and Public Lands Center program leads and others. If there is a formal permit decision requiring District Ranger/Field Manager involvement, they will provide a recommendation to the DR/FM, along with a discussion of options and alternatives.

The DR/FM will be updated on decisions made by the O&G Administrator and the Supervisory ORP via phone, email or in person (preferably in person). In all cases, the party requesting consideration for a permit or new permit terms will be offered the opportunity to call the DR/FM to discuss decisions made by the O&G Administrator or the Supervisory ORP.

The DR/FM retains the authority to grant exceptions to this policy; however, if any exceptions are granted, the DR/FM should provide a written rationale to justify the exception. The DR/FM must be prepared to accept the fallout from granting exceptions.

Sincerely,

/s/ Jed Botsford (for):
MATT JANOWIAK,
Columbine District
Ranger/Field Office Manager

cc: pdl r2 sj colpl
Brian White
Mark B Lambert
Bill Dunkelberger
Mark Stiles